

JUDGE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) No. CR22-203-JHC
Plaintiff,)
v.) ORDER GRANTING THIRD
ERIC KUSHANEY,) UNOPPOSED MOTION TO
Defendant.) CONTINUE TRIAL AND PRETRIAL
) MOTIONS DEADLINE
)

THE COURT has considered Eric Kushaney's unopposed motion to continue the trial date and extend the pretrial motions deadline and finds that:

(a) taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

(b) a failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

(c) the additional time requested is a reasonable period of delay, as the defendant has requested more time to prepare for trial, to investigate the matter, to gather evidence material to the defense, and to consider possible defenses; and

(d) the ends of justice will best be served by a continuance, and the ends of justice outweigh the best interests of the public and the defendant in any speedier trial, as set forth in 18 U.S.C. § 3161(h)(7)(A); and

(e) the additional time requested between the current trial date of November 13, 2023, and the new trial date is necessary to provide counsel for the defendant the reasonable time necessary to prepare for trial, considering counsel's schedule and all of the facts set forth above; and

(f) the period of delay from the date of this order to the new trial date is excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

IT IS THEREFORE ORDERED that the trial date in this matter shall be continued to May 13, 2024, and the pretrial motions deadline to February 12, 2024.

DONE this 29th day of August, 2023.

John H. Chun
JOHN H. CHUN
UNITED STATES DISTRICT JUDGE

Presented by:

s/ *Corey Endo*
s/ *Colleen P. Fitzharris*
Assistant Federal Public Defenders
Attorneys for Eric Kushaney